

Message

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**From:** Pessetto, Jared [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7E70BCBA1F1246F2A4728A2E170C73D2-JPESETT]  
**Sent:** 2/10/2020 7:35:36 PM  
**To:** Danielle Schreiber [dschreiber@verdantlaw.com]  
**Subject:** RE: Vogel Superfund Site  
**Attachments:** 2.12.2020 Vogel IDNR EPA Mtg Agenda.docx

Hi Danielle – I was typing out this message as your email came through! Thanks again for developing the list of discussion topics for Wednesday's meeting in Des Moines. The issues you've identified are the same as those we hoped to cover. I've reformatted the agenda somewhat and added meeting information to the attached. Please take a look a look let me know if you'd suggest any other revisions or additions.

Recognizing that this meeting will be a first-impression for higher-level EPA and IDNR attendees, we thought it would be helpful to offer Diamond Vogel an opportunity to provide a site overview and status of current site conditions, including pilot study measures. With that backdrop, we could then explore Diamond Vogel's concerns related to site deletion and the Five-Year Review process.

This agenda was also shared with the state today but we will certainly accommodate adjustments as necessary before Wednesday. Thanks again for your coordination.

Best,  
Jared

Jared Pessetto  
Special Assistant  
U.S. EPA, Region 7  
(913) 551-7793

**From:** Danielle Schreiber <dschreiber@verdantlaw.com>  
**Sent:** Monday, February 10, 2020 1:26 PM  
**To:** Pessetto, Jared <Pessetto.Jared@epa.gov>  
**Subject:** Re: Vogel Superfund Site

Jared:

I just wanted to touch base with you on your list of discussion items for our meeting on Wednesday. Thanks.

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC  
1025 Connecticut Ave., NW, Suite 1000  
Washington, DC 20036  
202.828.1233 - Main  
914.523.0886 - Mobile  
[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Thu, Feb 6, 2020 at 9:45 AM Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)> wrote:

Jared:

Please see the proposed agenda attached. Looking forward to receiving your list of discussion items. Thanks.

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC  
1025 Connecticut Ave., NW, Suite 1000  
Washington, DC 20036  
202.828.1233 - Main  
914.523.0886 - Mobile  
[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Wed, Feb 5, 2020 at 8:42 AM Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)> wrote:

Jared:

Yes, I received the meeting invitation and accepted it. I forwarded the invitation to the folks who will be joining over the phone and Scott Heemstra who will be joining me in person.

I plan to have a draft agenda to you by tomorrow. Thanks.

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC  
1025 Connecticut Ave., NW, Suite 1000  
Washington, DC 20036  
202.828.1233 - Main  
914.523.0886 - Mobile  
[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Tue, Feb 4, 2020 at 5:09 PM Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)> wrote:

Danielle – I'm just reaching out to confirm that you received a meeting invitation from IDNR's Amie Davidson late last week. Please let me know if anyone was left off the distribution.

So you're aware, I've not received additional input from IDNR on the agenda. I believe, however, that there's agreement that next week's conversation be aimed toward fruitful discussion of substantive issues and consensus as to next steps and expectations for the site. I'll aim to share a short-list of discussion items from our perspective on Friday. In the meantime, please feel free to share anything that you've developed with Diamond Vogel.

Thanks,  
Jared

**From:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>  
**Sent:** Wednesday, January 29, 2020 9:50 AM  
**To:** Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)>  
**Subject:** Re: Vogel Superfund Site

Jared:

10:30 AM works for us. One member from Vogel will be joining me in person. We will have our consultants and possibly one other Vogel representative joining via phone. Can you please send out a calendar invite or have Amiee from IDNR do so with dail-in coordinates? Thank you for coordinating.

I will also work on a draft agenda for the call based on your previous request. Any further insight into the goals of the meeting from EPA and IDNR's perspective?

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Tue, Jan 28, 2020 at 4:27 PM Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)> wrote:

Thanks, Danielle. Given the distance to Des Moines from both Orange City and Kansas City (~3.5 hours), the earliest that's feasible is 10:30. Unless, however, the team from Diamond Vogel prefers to stay-over the night before and start earlier in the morning, in which case we'll mirror our plans. Which would be preferable to you and your client? We're anticipating a couple hours for the meeting.

Thanks,  
Jared

**From:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>  
**Sent:** Tuesday, January 28, 2020 2:53 PM  
**To:** Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)>  
**Subject:** Re: Vogel Superfund Site

Jared:

We are available for an in-person meeting on February 12, 2020. If possible, we prefer to have the meeting in the morning. Please let me know what time on February 12 works for EPA and IDNR (I need to schedule my flights). Thank you very much.

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Tue, Jan 28, 2020 at 12:18 PM Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)> wrote:

Jared:

I am hopeful I will be able to get you a response today. I am playing a bit of phone tag at the moment with my internal client. Thanks.

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Tue, Jan 28, 2020 at 12:12 PM Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)> wrote:

Danielle – We’ve heard from IDNR that February 5 will not work after all. How does February 12 look on your end?

Thanks,  
Jared

Jared Pessetto

Special Assistant

U.S. EPA, Region 7

(913) 551-7793

**From:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>

**Sent:** Friday, January 24, 2020 2:13 PM

**To:** Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)>

**Subject:** Re: Vogel Superfund Site

Jared:

Thank you for the information. I will confer with the client and consultants regarding availability. Thank you also for confirming receipt of Ms. Vogel's letter.

Have a good weekend.

Best,



Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Fri, Jan 24, 2020 at 3:11 PM Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)> wrote:

Good afternoon, Danielle. I was able to confer briefly with Susan and Amie yesterday during a break in their managers meeting. We are looking at two dates in mid-February, 2/5 or 2/12, for a meeting with Diamond Vogel at IDNR's offices in Des Moines. Can you check if one or the other (or both) of those dates will work for you and Diamond Vogel's representatives? Thank you for your continued coordination.

Separately, I wanted to note that yesterday we received Ms. Vogel's recent letter to Regional Administrator Gulliford. The crux of your client's concerns were very well-communicated, and we are glad for the opportunity to convene with you and IDNR soon for close discussion.

Best,  
Jared

Jared Pessetto

Special Assistant

U.S. EPA, Region 7

(913) 551-7793

---

**From:** Pessetto, Jared  
**Sent:** Wednesday, January 22, 2020 4:44 PM  
**To:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>  
**Subject:** RE: Vogel Superfund Site

Danielle – I apologize for having not checked back in with you. I inquired once more with Susan last week after receiving your note but haven't been able to connect with her. I do believe, though, that Amie Davidson from IDNR was in our office today for a managers meeting, so I am hopeful that she and Susan were able to discuss our need to reschedule a meeting with Diamond Vogel.

I will let you know just as soon as we've identified alternate dates, likely mid- to late-February at this rate. If there are any black-outs on your or your clients' calendars in the coming weeks I will be glad to communicate that forward.

Thanks for your patience,

Jared

Jared Pessetto

Special Assistant

U.S. EPA, Region 7

(913) 551-7793

**From:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>

**Sent:** Wednesday, January 22, 2020 8:34 AM

**To:** Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)>

**Subject:** Re: Vogel Superfund Site

Jared:

I did not get a response from you, so I wanted to follow up. Any updated to share about possible dates for a meeting and a general understanding of what to expect? Thanks.

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Wed, Jan 15, 2020 at 9:23 AM Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)> wrote:

Jared:

I just wanted to check back in with you to see if you have any alternate dates for the in-person meeting. Please let me know. Thanks.

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Wed, Jan 8, 2020 at 8:12 AM Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)> wrote:

Jared:

Thank you for the email. Please keep me posted on your conversations with Susan and Amiee. In the meantime, I will work with the client on a proposed agenda/topics of discussion. Thanks.

Best,

Danielle

Danielle L. Schreiber

ED\_004945A\_00045527-00013

Counsel | Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Mon, Jan 6, 2020 at 6:02 PM Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)> wrote:

Hey Danielle – I’m trying to confirm a response to your inquiry with Susan and Amie but don’t want to hold you back unnecessarily. It’s my expectation that discussions with IDNR will be non-decisional but consensus oriented. I would personally like to grapple together with the big issues—point of compliance, institutional controls, and, potentially, decision documents—leaving the meeting with a shared understanding of next steps and procedural expectations. That’s perhaps ambitious, but just to say that I view conversations at this meeting to be more exploratory than final. Agency decisions and actions would then occur only in their time, after appropriate process.

Hopefully this is helpful. I'll be sure to reach out if I get any impression to the contrary from EPA or IDNR's management.

Thanks,  
Jared

Jared Pessetto

Office of Regional Counsel

U.S. EPA, Region 7

(913) 551-7793

**From:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>

**Sent:** Friday, January 03, 2020 1:35 PM

**To:** Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)>

**Subject:** Re: Vogel Superfund Site

Jared:

We are working on putting together a proposed agenda including the two items you specifically mentioned in your email. I did have a threshold question to ask you because it may influence what we include on the agenda. We would like to confirm that the meeting will be an open discussion between EPA, IDNR, and Vogel and any decision-making will be made after we meet. Is this your understanding of what will take place?

I look forward to hearing from you. Have a good weekend.

Best,

Danielle

Danielle L. Schreiber

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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On Thu, Jan 2, 2020 at 9:42 AM Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)> wrote:

Thanks, Danielle. I'll check back with Susan and hopefully she and Amie can identify a few options in late January or early February.

P.S. Congratulations!



**From:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>

**Sent:** Wednesday, January 01, 2020 7:14 AM

**To:** Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)>

**Subject:** Re: Vogel Superfund Site

Jared:

I took a quick look at my calendar this morning and unfortunately, January 16 will not work for me. My spouse will be on business travel that week and I am on parenting duty for my newborn. Looking back at my notes I have the end of January as a possible time for a meeting. Please let me know alternative dates either the week of the 20th or 27th in January or the first couple weeks of February. If possible, please try to give me multiple dates as everyone from our team will have to arrange travel to get to Des Moines. Thank you.

Happy New Year.

Best,

Danielle

On Tue, Dec 31, 2019 at 2:48 PM Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)> wrote:

Good afternoon, Danielle, and happy holidays. As mentioned a few weeks ago, Region 7's Superfund section chief, Susan Fisher, has been in touch with Amie Davidson at IDNR to arrange a conference with Diamond Vogel in mid-January. Susan and Amie identified Thursday, January 16, 2020, as a date that works for both agencies. Would you and Diamond Vogel's team be able to attend an in-person meeting on that date? Location is still under consideration (possibly IDNR's office in Des Moines), but I wanted to at least confirm your availability for that date, likely mid-morning. Please let me know when you've had a chance to check.

Meanwhile, we can start developing anticipated topics for discussion. Most clearly, we should aim to resolve the point of compliance question and EPA's recommendation of an environmental covenant. Your Dec. 4 letter also details other items from the FYR. Are there other outstanding topics that you'd like to make sure we cover?

I look forward to a productive conversation among the parties. Thank you in advance for your coordination.

All the best,  
Jared

Jared Pessetto

Office of Regional Counsel

U.S. EPA, Region 7

(913) 551-7793

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**From:** Pessetto, Jared  
**Sent:** Thursday, December 05, 2019 9:10 AM  
**To:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>  
**Subject:** RE: Vogel Superfund Site

Hi Danielle – I'd be glad to talk and fortunately have a clear calendar today. Let me know when a convenient time would be for you.

Thanks,

Jared

Jared Pessetto

Office of Regional Counsel

U.S. EPA, Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219

(913) 551-7793

**From:** Danielle Schreiber <[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)>  
**Sent:** Thursday, December 05, 2019 8:21 AM

**To:** Pessetto, Jared <[Pessetto.Jared@epa.gov](mailto:Pessetto.Jared@epa.gov)>; Hoefer, David <[Hoefer.David@epa.gov](mailto:Hoefer.David@epa.gov)>

**Subject:** Vogel Superfund Site

Jared and David:

Do you have time for a quick 15-20 minute phone call today or tomorrow? I wish to discuss the current state of play on the Site and the recent letter sent from the EPA R7 Administrator to Vogel. Please let me know. Thanks.

Best,

Danielle

**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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**Danielle L. Schreiber**

Counsel I Verdant Law, PLLC

1025 Connecticut Ave., NW, Suite 1000

Washington, DC 20036

202.828.1233 - Main

914.523.0886 - Mobile

[dschreiber@verdantlaw.com](mailto:dschreiber@verdantlaw.com)

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